



**STATE OF NEVADA**  
**COMMISSION ON ETHICS**  
<http://ethics.nv.gov>

**Thursday, April 10, 2008**  
**1:00 p.m.**

**Legislative Counsel Bureau**  
**401 South Carson St., Room 3143**  
**Carson City, NV 89701**

**and via videoconference to:**  
**Grant Sawyer State Building**  
**Legislative Counsel Bureau**  
**555 E. Washington Avenue, Room 4412**  
**Las Vegas, NV 89119**

**MINUTES**

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics.  
A verbatim transcript of the open session proceedings, prepared by a certified court reporter,  
is available for inspection at the Commission offices in Carson City and Las Vegas.

**Commission Members and Staff Present in Carson City:**

**Rick Hsu, Esq., Member**  
**George Keele, Esq., Member (on Agenda Item 1 only)\***  
**Jim Kosinski, Esq., Member;**  
**Patricia D. Cafferata, Esq., Executive Director;**  
**Adriana G. Fralick, Esq., General Counsel;**  
**Michelle Ené, Executive Assistant**

**Commission Members and Staff Present in Las Vegas:**

**Tim Cashman, Vice Chair;**  
**Randall Capurro, Member;**  
**John T. Moran, III, Esq., Member**  
**Matt Di Orio, Senior Investigator;**  
**Tami DeVries, Research Analyst.**

**Others Present:**

**Lynette Boggs**  
**John Mowbray, Esq., Counsel for Lynette Boggs**

**\*via telephone**

Vice Chair Cashman called the meeting to order at 1:03 p.m., Thursday, April 10, 2008.

Agenda Item 1 – Stipulation in the Matter of the Request for Opinion 06-70 regarding the conduct of Lynette Boggs, former Clark County Commissioner on alleged violations of NRS 281A.620.1(f).

Commissioner Keele moved that the Commission on Ethics authorize its Vice Chair Cashman to execute the proposed stipulation in Opinion No. 06-70C. Commissioner Moran seconded the motion. The motion was passed unanimously. Boggs accepted the Stipulation and executed it.

Agenda Item 2 - Approval of minutes from January 11, 2008 meeting.

Commissioner Kosinski moved for the approval of the minutes. Commissioner Capurro seconded the motion. The motion was passed unanimously. Commissioner Moran abstained from the vote because he was not present at the January 11, 2008 meeting.

Agenda Item 3 - Presentation by General Counsel Adriana Fralick and Commissioner Rick Hsu on procedures and standards in Panel Proceedings.

Commissioner Hsu and General Counsel Fralick gave an informational presentation on the panel proceedings.

Agenda Items 4, 5, 6 and 7 to be discussed later on during the meeting.

Agenda Item 8 - Action on Commission's priorities on opinions, regulations, forms and website, Ethics Manual, legislation and other related matters.

Executive Director Cafferata stated that the larger hearing rooms with video conferencing at the Legislative Building in Las Vegas for the May and June meetings were not available. Cafferata asked the Commissioners if the smaller meeting rooms were satisfactory or if they wanted to change the meetings dates. The Commission voted to change the May 8, 2008 meeting date to May 7, 2008 and the June 12, 2008 meeting date to June 30, 2008.

Agenda Item 7 - Action on proposed budget categories to be reduced in the event of future budget cuts to this fiscal year.

To save on paper and mailing costs, Hsu suggested scanning reports instead of printing them and sending them to the Commissioners. Kosinski suggested that the panel hearings be taped instead of having them transcribed by a court reporter. Capurro moved that the Commissioners voluntarily waive their compensation for the current meeting and for the May and June meetings in 2008 to assist with the budget reductions. Kosinski seconded the motion. The motion passed

unanimously. Cafferata will send out a letter asking each Commissioner to select which months, if any, they would waive their statutory compensation.

Agenda Item 4 - Action on proposed changes to NAC 281. Public workshops and adoption hearing to be scheduled in accordance with NRS 233B at a later date.

Kosinski recommended that the Commission modify the appropriate regulation to allow for the use of audio recording for transcribing Commission panel hearings. Hsu seconded the motion. The motion passed unanimously.

Agenda Item 5 – Approval of proposed legislation.

Kosinski moved that the Commissioners approve the proposed legislation presented to them in the meeting packet. Capurro seconded the motion. The motion was passed unanimously.

Agenda Item 6 - Action on whether a current state or local government employee may be appointed to the Ethics Commission by the Legislature, pursuant to NRS 281A.200.2.

Cafferata stated that she received an inquiry from Lorne Malkiewich at the Legislature asking whether a current state employee could be appointed to the Ethics Commission. The Legislature has a vacancy and a candidate who is a state employee that they are considering to file the vacancy. The Commissioners concluded that they do not answer hypothetical questions. The public employee/potential candidate would have to ask the Commission for an advisory opinion as it relates to their future conduct. Cafferata will advise Malkiewich of this decision. A discussion ensued concerning Moran being able to return to his position as a pro tem judge for the City of Henderson. Hsu stated that he may have to request an advisory opinion.

Agenda Item 8 – Continuation - Action on Commission's priorities on opinions, regulations, forms and website, Ethics Manual, legislation and other related matters.

Cafferata stated that the number one priority for the Commission was completing the drafting of opinions. Cafferata stated that Fralick and DeVries have done a tremendous job in getting caught up. Cafferata stated that there are only three more "old" opinions to be drafted. Since January the drafting of all panel determinations and opinions is current.

Cafferata stated that another priority was regulations which have been dealt with at this meeting. Cafferata stated that the website forms have been updated. She stated that the ethics manual has been set aside until all the other priorities have been completed.

Cafferata stated that Fralick, DeVries and herself have given six ethics trainings this year. Cafferata stated that upon reviewing the prior surveys and training evaluations, Hsu had the most outstanding evaluations from the school boards of any of the trainings.

Cafferata stated that she and the Executive Assistant have been working on budget matters. Cashman commended the staff for working so hard to get the work caught up.

Agenda Item 9 – Action to establish a gift policy for future gifts received by the Executive Director.

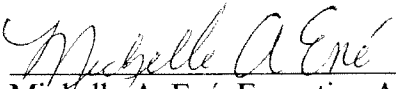
Kosinski moved that the Commission adopt a policy that whenever any of the staff receive gifts, regardless of the purpose of the gift or the circumstances that the Chair or the Vice Chair, make a determination as to the disposition of that gift. Commission Capurro seconded the motion. The motion passed unanimously.

Agenda Item 10 – Public comment.

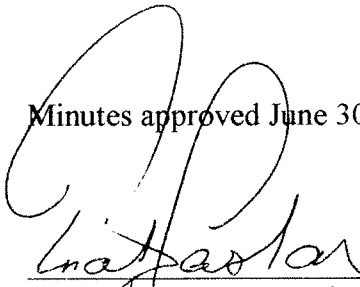
No public comment was made.

Cashman adjourned the meeting at 3:28 p.m.

Minutes transcribed by:

  
Michelle A. Ené, Executive Assistant

Minutes approved June 30, 2008:

  
Timothy Cashman, Acting Chair